

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1031

703-0044

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("COMMISSION"), the Illinois Central Railroad Company ("COMPANY"), Tonti Township ("TOWNSHIP") of Marion County, and the State of Illinois, Department of Transportation ("DEPARTMENT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the crossing of the Company's track with a public highway known as Woodard School Road located near Salem, Marion County, Illinois, designated as crossing AAR/DOT 295 310J, milepost 240.34-M; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by staff members of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- (a) The installation of automatic flashing light signals and gates (AFLS&G) controlled by constant warning time circuitry. (See Exhibit B)
- (b) The adjustment of the south highway approach to meet the requirements of 92 Illinois Administrative Code 92 (IAC), Part 1535. 204. (See Exhibit C)

Section 3 The Company has prepared a preliminary plan and estimate of cost to accomplish the proposed improvements, which it may be required to perform. Said estimate is attached as Exhibit B.

The Marion County Highway Department, on behalf of the Township, has prepared a preliminary plan and estimate of cost to perform the work described in Section 2(b). Said estimate is attached as Exhibit C.

The Township shall upon Order, according to the requirements contained therein, prepare detailed drawings, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company and the Township shall, upon Order, according to the requirements contained therein, proceed toward the completion of their respective portions of the proposed improvements, accomplishing the work with their own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- (a) The cost for the work described in Section 2(a) is estimated to be \$121,940. The Grade Crossing Protection Fund shall pay 95% of the actual installation costs (not to exceed \$115,843). The Company shall pay all remaining installation costs, as well as the cost of future maintenance and operating costs. (See Exhibit B.)
- (b) The cost to perform the work described in Section 2(b) is estimated to be \$25,044.51. The Grade Crossing Protection Fund shall pay 100% of the cost, not to exceed \$25,044.51. The Township shall be responsible for all remaining construction costs, as well as all future maintenance and operating costs. (See Exhibit C.)

Section 6 The Township is financially unable to bear any significant portion of the cost for the proposed improvements, as may be assigned by the Order, and indicates this by letter and Highway Commissioner's Annual Report attached as Exhibit D.

Section 7 Special Provisions:

Since the warning device improvement at the subject crossing are to be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company and the Township shall each, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Division of the Commission, a written report stating the progress they have made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company or Township employee responsible for management of the project.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 7 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

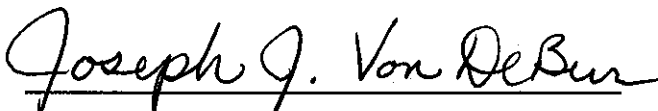
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 10th day of April 2003.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Joseph J. VonDeBur
Railroad Safety Specialist


Illinois Commerce Commission Stipulated Agreement No. 1031 concerning improvements at the Woodard School Road/TR188 grade crossing of the Illinois Central Railroad Company tracks near Salem, Marion County, Illinois, designated as crossing AAR/DOT 295 310J, milepost 240.34-M.

Executed by the Company this 2nd day of May 2003.

ILLINOIS CENTRAL RAILROAD COMPANY

By: 
Vice President

Attest:


Cynthia A. Bergmann
Assistant Secretary

Illinois Commerce Commission Stipulated Agreement No. 1031 concerning improvements at the Woodard School Road/TR188 grade crossing of the Illinois Central Railroad Company tracks near Salem, Marion County, Illinois, designated as crossing AAR/DOT 295 310J, milepost 240.34-M.

Executed by the Department this 7th day of May 2003.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: Victor A. Madergren
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1031 concerning improvements at the Woodard School Road/TR188 grade crossing of the Illinois Central Railroad Company tracks near Salem, Marion County, Illinois, designated as crossing AAR/DOT 295 310J, milepost 240.34-M.

Executed by the Township this 8 day of May 2003.

TONTI TOWNSHIP

By:

Joe Wilkins

Attest:

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Canadian National/Illinois Central Railroad Company
USDOT#, MILEPOST	295 310J, 240.34-M
STREET, CITY, COUNTY	Woodard School Road/TR188, near Salem (Tonti), Marion County
JURISDICTION (RDWY)	Tonti Township
LOCATION	Rural, Residential
STREET SURFACE	2-lane, 2-way, 16 feet width, oil and chip roadway

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Full Depth Timber	26 feet	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	100 Vehicles Per Day @ 55 MPH (assumed/not posted)
TRAFFIC TYPE	Passenger, Possible School Busses, Possible Hazardous Materials
ADVANCE WARNING	North and South
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	26 Trains Per Day @ 60 MPH, Day & Night
PASSENGER TRAFFIC	4 Trains Per day @ 79 MPH
WARNING DEVICES	Reflective Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	79	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	485	FEET
Along Tracks	813	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1901	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 1984.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*		*	
NW	*		*	
SE	*		*	
SW	*		*	

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100	---	0	100	---
25	99.7	-1.2	25	99.1	-3.6
50	98.7	-4.0	50	97.8	-5.2
100	96.9	-3.6	100	95.7	-4.2

Distance measured from outermost rail.

COMMENTS:

This project is included in the FY 2003 element of the Illinois Commerce Commission's FY 2003-2007 Crossing Safety Improvement Program.

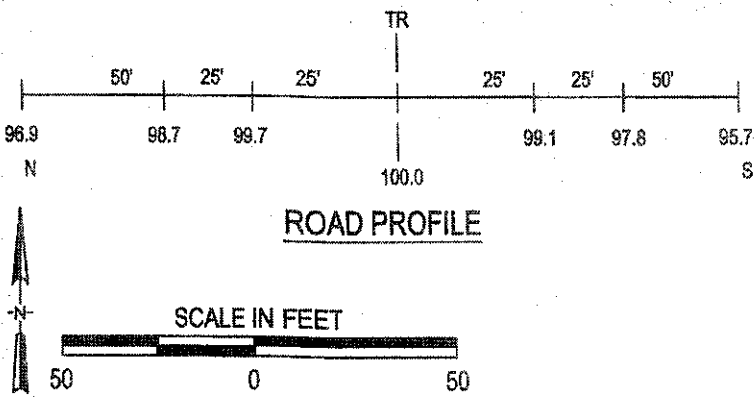
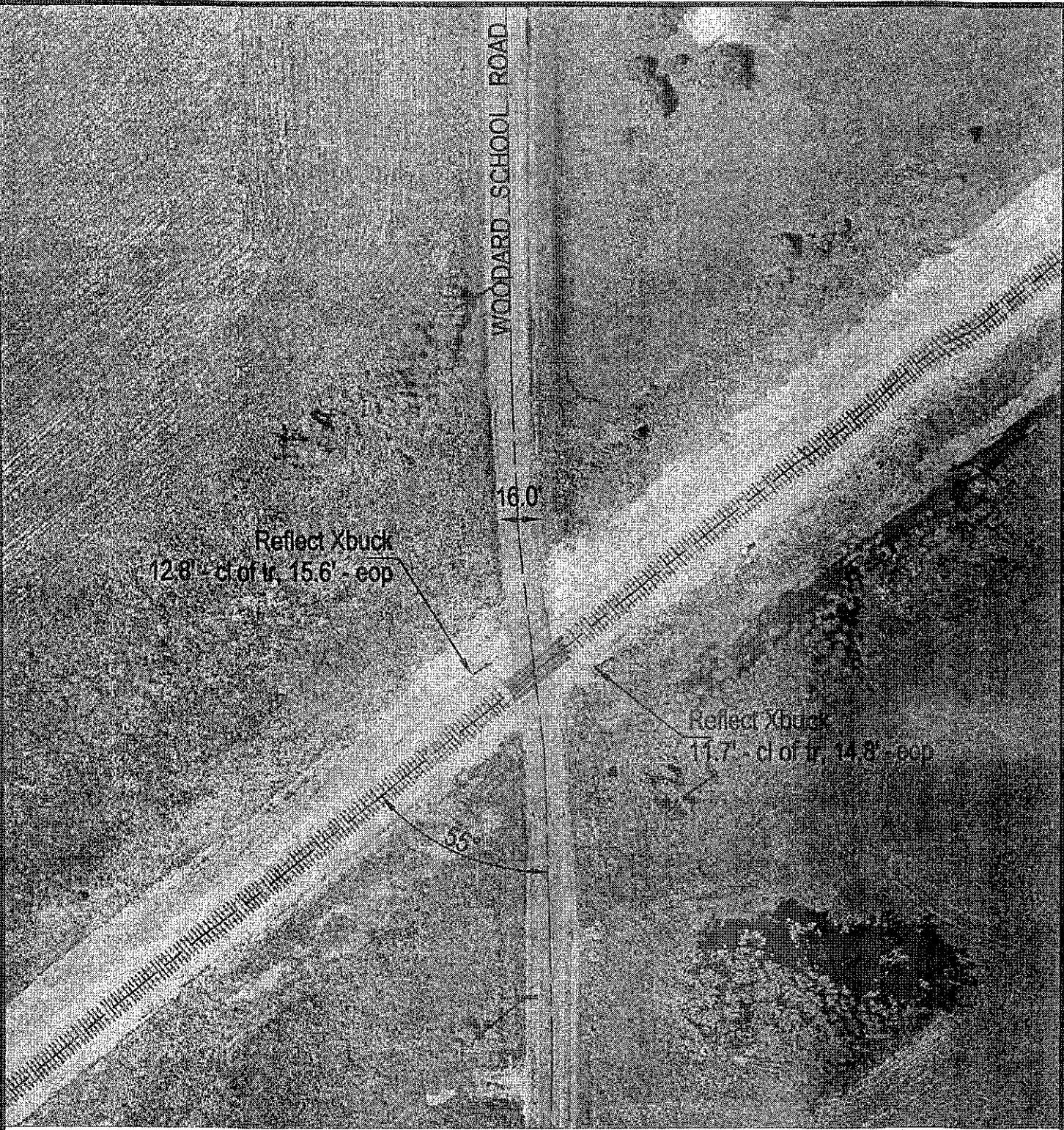
Proposed Cost Division

ITEM	COST ESTIMATE		ICC	TOWNSHIP	IC RR
Signal Installation	\$121,940		95%	0% *	5%
Approach Improvement	\$25,044.51		100% **	0% **	0%

*The Township cannot afford to pay for 10% of the crossing improvements; therefore the Fund will pay the Township's share of the costs.

** 100% - Not to exceed \$25,044.51. The Township will be responsible for any excess costs.

4 MAR 01 205310J 295310J 10 17 00 07:35 JJA



Crossing #: 295310J
Location: Marion Co., City of Salem (Near)
Lat/Long: 38°39'10" / 88°59'43"
Railroad: Illinois Central Railroad Company
Street: Woodward School Road
Railroad Milepost: 240.34-M
Crossing Protection: Crossbucks

22-JAN-2003

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ILLINOIS CENTRAL RAILROAD
ENGINEERING DEPARTMENT
SIGNALS AND COMMUNICATIONS

Tonti, IL

Est 1011-301

Estimated cost of Signal work to install Gates at Woodard School Road.

Gulf Division

Val Sec IL-1

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
=====				
FAPG				

LANDFILL	1.	LOT @	700.00	700.00
MISC.SIGNAL MATERIAL	1.	L.S. @	400.00	400.00
<u>CROSSING MATERIALS PACKAGE</u>				
GCP3000,80200-111-IPI	1.	EACH @	10528.00	10528.00
SERIAL EVENT ANALYZER/REC	1.	EACH @	2035.00	2035.00
RECORDER INTERFACE,80255	1.	EACH @	153.00	153.00
AXD MODULE FOR HXP	1.	EACH @	1650.00	1650.00
NARROW BAND SHUNT,62775-8621	2.	EACH @	640.00	1280.00
XING CTRLR,91160	1.	EACH @	2300.00	2300.00
ADJUSTABLE INDUCTOR,8A398-6	1.	EACH @	392.00	392.00
RELAY,ST,500 OHM,400004	2.	EACH @	566.00	1132.00
RECTIFIER,NRS15110,20A	1.	EACH @	455.00	455.00
RECTIFIER,NRS18120,40A	1.	EACH @	695.00	695.00
SURGE PROTECTION	1.	LOT @	850.00	850.00
SWING RACK,T12757	1.	EACH @	510.00	510.00
EQUIPMENT RACK	1.	EACH @	237.00	237.00
FLX-2000 & GATE ASSY	2.	EACH @	6950.00	13900.00
ARM,EZ GATE,16-24'	2.	EACH @	721.00	1442.00
GATEKEEPER,SK-1000	2.	EACH @	1970.00	3940.00
BELL,ELECTRONIC	1.	EACH @	234.00	234.00
BATTERY,GNB 265AH	13.	EACH @	217.00	2821.00
FOUNDATION,S2 4FT-6IN HI	2.	EACH @	369.00	738.00
SHUNT BURIAL BOX	2.	EACH @	220.00	440.00
PRE-WIRED ALUM HOUSE,6X6'	1.	EACH @	10700.00	10700.00
WIRE,2c/6,T10456	300.	FEET @	0.40	120.00
CABLE,3c/6,T10458	100.	FEET @	1.92	192.00
CABLE,2c10/6c14,T10477	3600.	FEET @	0.59	2124.00
CABLE,7c/6,9c/14,T12481	300.	FEET @	2.77	831.00

Tonti, IL

Est 1011-301

5 MAN GANG	8. DAY @	1100.00	8800.00
PRELIMINARY ENGINEERING	1. L.S. @	6500.00	6500.00
CONSTRUCTION ENGINEERING	1. L.S. @	275.00	275.00

SUMMARY

MATERIAL	60799.00 *
HANDLING 0.0610	3708.74
CROSSING SYSTEM HANDLING	3000.00
CROSSING SYSTEM WIRING	6000.00
LABOR	8800.00 *
ENGINEERING	6775.00
ACCOUNTING	200.00
COMPOSITE ADD.-DIRECT LABOR 1.0706	9421.28
COMPOSITE ADD.-ENG 1.0088 -ACCT 1.0706	7048.74
SUBSISTENCE	2000.00
RENTAL OF EQUIPMENT	1600.00
POWER TAP	1500.00
CONTINGENCIES	11087.24

TOTAL COST	121940.00

APPROACH UPGRADE

ESTIMATE OF COST

DOT 295 310J

MP 240.34-M

WOODWARD SCHOOL ROAD

TONTI TOWNSHIP

MARION COUNTY

ITEM	Unit	Quantity	Unit Price	Total Cost
Borrow Excavation	Cubic Yard	160	\$25.00	\$4,000.00
Seeding, Class 2 (Special)	Acre	(0.2)	\$5,000.00	\$1,000.00
Aggregate Surface Course, Type B	Ton	210	\$25.00	\$5,250.00
Bituminous Materials (Prime Coat)	Gallon	245	\$3.00	\$735.00
Bituminous Materials (Cover and Seal Coat)	Gallon	490	\$1.80	\$882.00
Cover Coat Aggregate	Ton	7	\$25.00	\$175.00
Seal Coat Aggregate	Ton	7	\$25.00	\$175.00
Railroad Protective Liability Insurance	L Sum	1	\$5,000.00	\$5,000.00
Traffic Control and Protection	L Sum	1	\$1,000.00	\$1,000.00
	SUB-TOTAL CONSTRUCTION COST			\$18,217.00
	CONTINGENCIES 10%			1821.70
	TOTAL CONSTRUCTION COST			\$20,038.70
	ENGINEERING @ 15%			\$3,005.81
	RIGHT OF WAY (If necessary)			\$2,000.00
	TOTAL ESTIMATED COST			\$25,044.51

Joe Wilkins, Tonti Township Commissioner
6830 Givens Chappel Road
Salem, Illinois 62881

RECEIVED
FEB 13 2003
Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission
Railroad Safety
527 East Capitol Avenue
Springfield, Illinois 62701

RE: DOT 295 310J, MP 240. 34-M, Woodard School Road, near Salem, Marion Co.

Dear Mr. VonDeBur

The Road and Bridge account is the account I would use to pay for this railroad gate and signal. I use this account to repair and maintain roads. As you can see that I do not have the funds to pay the 10%.

Sincerely



Joe Wilkins, Tonti Township Highway Commissioner

SA 1031

EXHIBIT D, p.1

HIGHWAY COMMISSIONER'S ANNUAL REPORT

ROAD AND BRIDGE FUNDTo the Board of Trustees, Tont1 TownshipMarion County, Illinois.I, Joe Wilkins Highway Commissioner of Tont1 Road District,Marion County, Illinois, being duly sworn, depose and say that the followingstatement is a correct report for the fiscal year beginning April 1, Year 02 and endingMarch 31, Year 02.BEGINNING BALANCE Apr. 1, Year 02 \$ 33,153.16

REVENUES

Property Tax	<u>18,611.80</u>
Replacement Tax	<u>2,456.75</u>
Interest Income	<u>54.48</u>
Maintenance Fees	
Rental Income - Equipment	<u>2,845.00</u>
Miscellaneous Income	

TOTAL REVENUES: \$ 57,121.19

EXPENDITURES

Administration	<u>4,326.15</u>
Maintenance	<u>9,597.67</u>
Bridges	
Equipment	<u>38,705.00</u>
Building	
Audit	
Insurance	
Illinois Municipal Retirement	
Social Security	

TOTAL EXPENDITURES: \$ 52,628.82ENDING BALANCE Mar. 31, Year 2002 \$ 4,492.37